

Notice of Allowability

Application No.

10/779,831

Examiner

Melody M. Burch

Applicant(s)

SWIFT, EDGAR LEON

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/10/05.
2. ☒ The allowed claim(s) is/are 1-3.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>with Examiner's Amendment</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Edgar Swift on 6/9/05.

The application has been amended as follows:

- in line 5 of claim 1 the phrase "in a manner well known in the art" has been deleted;
- in line 15 of claim 1 the phrase "one of each wheel" has been changed to --one of each rear wheel--since both rear wheels and a front wheel were previously recited;
- in line 18 of claim 1 the phrase "engagement with at least" has been changed to --engagement with an outer surface of a tire of at least-- to more clearly define the invention;
- in line 21 of claim 1 the phrase "second end connected" has been changed to --second end directly connected-- to more clearly define the invention;
- in line 11 from the bottom of claim 1 the phrase "handgrip portion traversing said spaced" has been changed to --handgrip portion between said spaced-- to more clearly recite the location of the handgrip portion;

- in line 4 of claims 2 and 3 the phrase "with said two" has been changed to --with said at least one of said two--;
- in lines 4-5 of claims 2 and 3 the phrase "wherein a wheelbarrow as claimed in Claim 1" has been changed to --wherein said wheelbarrow--;
- in the last line of pg. 10 of the specification "shoe 38" has been changed to --shoe or pad 38-- to maintain consistency with the claim recitations;
- in line 5 of pg. 11 of the specification "A Ref. 2" has been changed to --A section 2-- to maintain consistency with the drawings;
- in line 3 from the bottom of pg. 11 of the specification the phrase "handgrip portion" has been changed to --handgrip portion 203-- to clearly point to the element in the figures;
- in line 4 from the bottom of pg. 11 of the specification the phrase "upright portions mounted" has been changed to --upright portions 201 and 202, respectively, mounted-- to clearly point to the elements in the figures;
- in line 5-6 from the bottom of pg. 11 of the specification the phrase "uprights 20 and (22 shown in Fig. 4)" has been changed to --uprights 22 and (20 shown in Fig. 4)-- to coincide with what is illustrated in the figures.

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: the following element numbers have been added to figure 4 "201" and "202" to represent the upright portions and "203" to represent the handgrip

portion. See attached revised figure 4. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

3. The following is an examiner's statement of reasons for allowance: US Patent 2716031 to Roessler shows a wheelbarrow having a brake system including a brake release lever connected to a brake release link which is connected to a bellcrank and the limitation of a tension spring, but lacks the limitations of two rear wheels, the brake being applied to one of the rear wheels, the brake pad engaging with an outer surface of the tire of one of the rear wheels, the brake release lever being pivotally mounted within a cavity defined by two handle uprights, the spring having a second end directly connected to one of two rear wheel brackets, and the specific handle configuration. US Patent 4767128 to Terhune teaches in figure 1 the use of a wheelbarrow with a braking system acting on rear wheels and US Patent Application 2003/0141686 to Willis teaches in figure 34 the use of a wheelbarrow of a handle 172 and an arrangement in the area of the handle having a strut between an actuating arm and an unnumbered upright portion. One of ordinary skill in the art at the time the invention was made would not have been motivated to combine the references since combining Roessler with Terhune would result in braking on the rear wheels derived from the aid of the mass of the wheel barrow and its cargo load which teaches away from the instant invention as set forth in lines 17-18 of claim 1, or combining Roessler with the teaching of braking rear wheels of a wheelbarrow, as taught by Terhune, would result in the brake pad engaging the inner rim portion of the rear wheels. Additionally, even if the references

Art Unit: 3683

were combined, they would not teach a wheelbarrow having a brake tension spring with a second end directly connected to one of the two rear wheel brackets.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Application/Control Number: 10/779,831

Page 6

Art Unit: 3683

June 9, 2005

Melody M. Burch
6/9/05



Revised Drawings

2/2

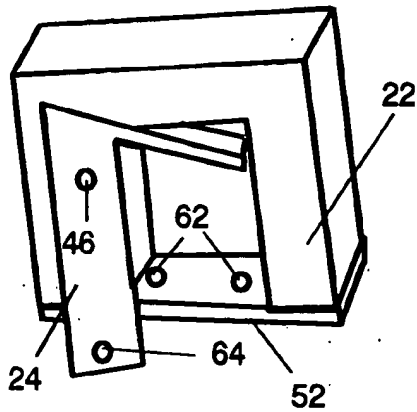


Fig. 3

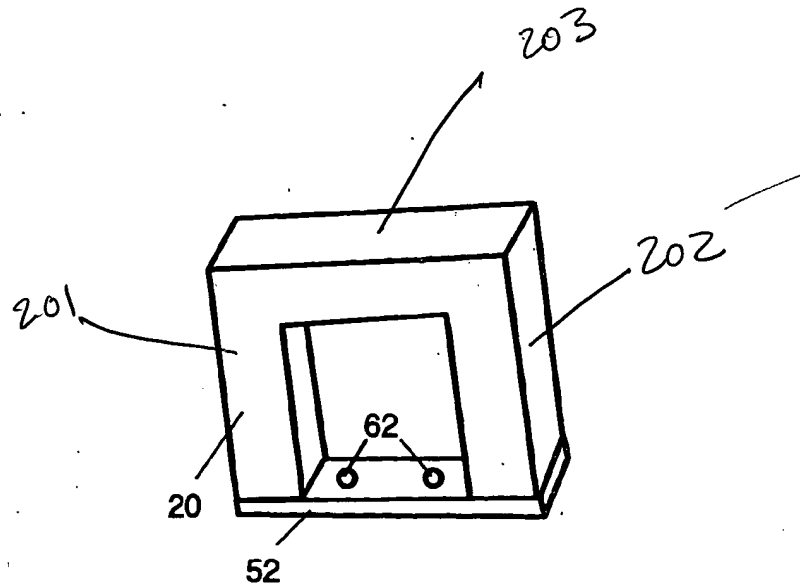


Fig. 4

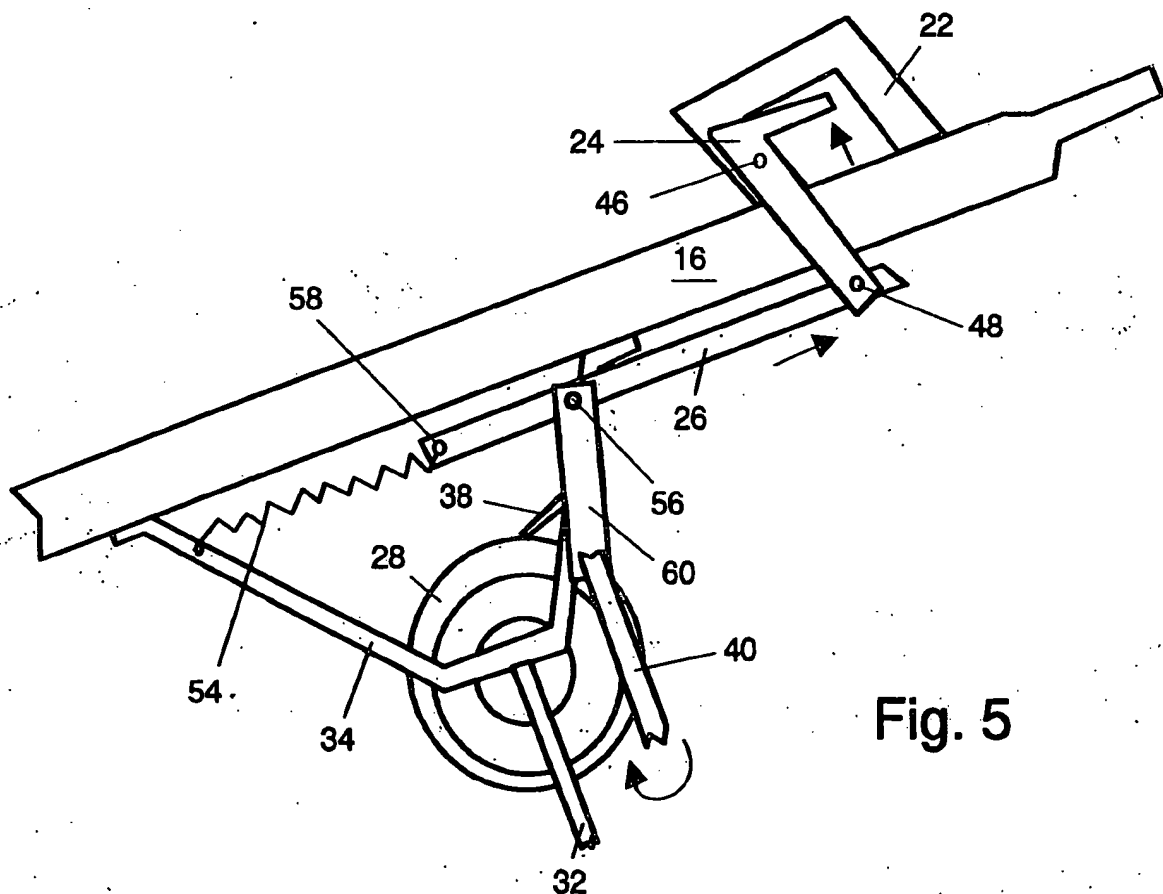


Fig. 5